

GOVERNMENT OF ANDHRA PRADESH  
A B S T R A C T

Suits – C.C.No.269/09 in W.P.No.27217/03 filed by Sri V.Gowri Sankara Sastry – Prakasam District – Chirala Mandal & Town – Sy.No.352/2, 352/2B and 2C – Extent Acs.01-41 cents - Certain problems in registration of the land – Orders – Issued.

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REVENUE (ASSN.VI) DEPARTMENT

G.O.Ms.No. 441

DATED:17-03-2009  
Read the following:-

1. Representation of Sri V.Gowri Sankara Sastry and 7 others dated Nil.
2. From the Collector, Prakasam District Lr.No.E2/4159/02, dated 25.2.2003.
3. From C.C.L.A., A.P.,Hyd.Lr.No.Spl.B1/98/03, dt.15.4.2003.
4. Govt.Memo No.41182/Assn.II.2/03-3, dt.13.8.2003.
5. From Hon'ble High Court of A.P.,Hyd. Notice in W.P.No. 27217/03, dated 29.12.2003 and subsequent notices.
6. Govt.Memo.No.31621/Assign-II(2)/2004-1, dt.11-3-2004.
7. From the Asst.Registrar, A.P.High court, Hyd. Order in W.P.No.27217/03, dated 15.4.2008.
8. From the collector, Prakasam District Lr.Rc.No.E2/1818/04, dated 13.10.2008.
9. From the C.C.L.A., A.P.,Hyd. Lr.No.Spl.B1/1779/08 dated 5.1.2009.
- 10.From the Govt.Pleader for Assignment, High Court, A.P., Lr.W.P.No.2721703/ESR dated 19.2.2009.
- 11.From the Govt.Pleader for Assignment, High Court,AP, Fax Lr.CC.No.269/09/ESR, dated 5.3.2009.

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ORDER:

In the reference 1<sup>st</sup> read above, Sri V.Gowri Sankara Sastry and others have requested for deletion of their lands from the list of Assigned lands so as to enable them to sell their lands in Sy.Nos. 352/2, 352/2B and 2C of Chirala Town and Mandal, Prakasam District totaling to an extent of Ac.01.41 cents.

2 In the letter 2<sup>nd</sup> read above, the Collector, Prakasam District has sought a clarification whether to delete entry of the above lands from the list of assigned land communicated by the Mandal Revenue Officer, Chirala to the Sub Registrar, Chirala as per the provisions of A.P.Assigned Land (POT) Act, 1977, as the same were assigned during the year 1928 i.e. prior to promulgation of B.S.Os. dated 18.6.1954.

3. In his letter 3<sup>rd</sup> read above, the Chief Commissioner of Land Administration, A.P.,Hyderabad sent a report to Government recommending the proposals of the Collector, Prakasam to direct him to permit the petitioners to sell their lands in question.

(p.t.o.)

4. After examining the report of the Chief Commissioner of Land Administration, Government in their Memo 4<sup>th</sup> read above, have informed the Collector and District Magistrate, Prakasam that the lands in question are assigned lands and attract the provisions of A.P.Assigned Lands (POT) Act, 1977. There is no provision in the Act for deletion of the land when once it was included in the list of Assigned lands. The proposals are legally not valid and hence, the proposal in question is not considered.

5. In the reference 5<sup>th</sup> read above, the above said petitioners have challenged the above said orders of Government, in their Memo., dt.13-8-2003 in W.P.No.27217/03 and the Hon'ble Court directed the Government, and other respondents to show-cause as to why this petition should not be complied with.

6. In the reference 6<sup>th</sup> read above, the Collector and District Magistrate, Prakasam were requested to file counter in the above said W.P. filed by the petitioners. In turn, the Mandala Revenue Officer, Chirala, who is the 3<sup>rd</sup> respondent, had filed the counter in the above said W.P.NO.27217/03.

7. In the reference 7<sup>th</sup> read above, while allowing the writ petition, the Hon'ble High Court of A.P. has observed that the lands cannot be defined as assigned lands based upon the Xerox copy of Karanam's copy of 'Resettlement Adangal of Village of Chirala'. Hon'ble High Court further observed that the lands were assigned in the year 1928 i.e., prior to promulgation of Board Standing orders, dt.18-6-1954. The Court also observed that as many as twenty transactions took place before coming into the hands of the present petitioners of the case i.e., conveyance of properties occurred since 1944 till 1990. The Hon'ble High Court therefore directed the respondents, i.e., Govt. of A.P. and the Collector and District Magistrate, Prakasam to delete the lands of the petitioners owned and possessed by them pursuant to the registered sale deeds in their favour from the "Register of Assigned Lands" maintained under the provisions of A.P. Assigned Lands (POT) Act, 1977.

8. In the reference 8<sup>th</sup> read above, the Collector and District Magistrate, Prakasam has requested the Government, through the Chief Commissioner of Land Administration, A.P, Hyderabad to clarify whether the above said orders of the Hon'ble Court be contested or not. The Chief Commissioner of Land Administration, A.P., Hyderabad, in the reference 9<sup>th</sup> read above, has requested the Government, to take a decision in the matter.

9. In his letter 10<sup>th</sup> read above, the Government Pleader for Revenue (Assignments), has stated that there are no grounds for filing an appeal against the orders of the Hon'ble Court, dt.15-4-2008 in W.P.No.27217/03. Further, the Government Pleader for Revenue (Assignments) in his letter 11<sup>th</sup> read above, has informed that the petitioners have filed a Contempt Case No.269/09 in the W.P.NO.27217/03 for not implementing the above said Court order.

(Contd..)

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10. Government, after careful examination of the matter and also in consultation with Government Pleader for Revenue (Assignments), hereby decided to implement the orders of the Hon'ble Court and direct the Collector & District Magistrate, Prakasam to delete the lands of the petitioners owned and possessed by them pursuant to the registered sale deeds in their favour from the "Register of Assigned Lands" maintained under the provisions of A.P. Assigned Lands (POT) Act, 1977 and also to instruct the Sub-Registrar, Chirala to register the lands of the petitioners to an extent of Acs.01.41 cents in Sy.No. 352/2, 352/2B and 2C of Patha Chirala Village (Patha Jandrapet Panchayat newly formed Kothapeta Panchayat) in accordance with the provisions of the Registration Act, 1908 and with all consequential benefits.

11. The Collector & District Magistrate, Prakasam shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.SAMUEL  
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Collector & District Magistrate, Prakasam District.

Copy to:-

The Chief Commissioner of Land Administration, A.P., Hyderabad.

The Tahsildar, Chirala, Prakasam District.

The Sub-Registrar, Chirala, Prakasam District.

The Government Pleader for Assignment, A.P.H.C.

(With a request to appraise the matter to the  
H.C. and to see that the C.C. is to be dismissed.)

Sri V.Gowri Sankara Sastry, Resident of  
Plot No.97, Road-6, Sowbhagyapuram,  
Neal Telephone Colony-500035 **through**  
Legal Council Sri E.Madhana Mohan Rao,  
Advocate 3-6-365/C/305, 3<sup>rd</sup> Floor,  
Pavani Estates, Libarty X roads,  
Himayatnagar, Hyd.29

Sf./Sc.

//forwarded by order//

SECTION OFFICER